



Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021

Patsy Reddy, Governor-General

Order in Council

At Wellington this 13th day of September 2021

Present:

The Right Hon Jacinda Ardern presiding in Council

These regulations are made under section 147A of the Legislation Act 2019 on the advice and with the consent of the Executive Council.

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Regulations

1 Title

These regulations are the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021.

2 Commencement

These regulations come into force on 28 October 2021.

Part 1

Department of Conservation

Amendment to Wildlife Regulations 1955

3 Amendment to Wildlife Regulations 1955

Regulation 4 amends the Wildlife Regulations 1955.

4 Regulation 39 amended (Liberating game birds)

After regulation 39(2), insert:

- (3) An authorisation made under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons.

Part 2

Department of Internal Affairs

Amendments to National Library Requirement (Electronic Documents) Notice 2006

5 Amendments to National Library Requirement (Electronic Documents) Notice 2006

Regulation 6 amends the National Library Requirement (Electronic Documents) Notice 2006.

6 Regulation 9 amended (Exemptions)

- (1) In clause 9(1), delete “, by notice in the *Gazette*.”.
- (2) After clause 9(2), insert:
- (3) An exemption granted under this clause—

- (a) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); and
- (b) takes effect in accordance with section 38(4) of the Act, even if it is not yet published.

Part 3

Ministry for Primary Industries

Amendments to Agricultural Compounds and Veterinary Medicines (Exemptions and Prohibited Substances) Regulations 2011

7 Amendments to Agricultural Compounds and Veterinary Medicines (Exemptions and Prohibited Substances) Regulations 2011

Regulations 8 and 9 amend the Agricultural Compounds and Veterinary Medicines (Exemptions and Prohibited Substances) Regulations 2011.

8 Regulation 9 amended (Manufacture of exempt compound product to be in accordance with documented system)

- (1) In regulation 9(1)(g), after “Director-General”, insert “by notice”.
- (2) After regulation 9(2), insert:
- (3) A notice made under subclause (1)(g) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

9 Regulation 10 amended (Compounded veterinary preparation to be prepared in accordance with documented system)

- (1) In regulation 10(1)(f), after “Director-General”, insert “by notice”.
- (2) After regulation 10(2), insert:
- (3) A notice made under subclause (1)(f) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Amendment to Agricultural Compounds and Veterinary Medicines (Fees, Charges, and Levies) Regulations 2015

10 Amendment to Agricultural Compounds and Veterinary Medicines (Fees, Charges, and Levies) Regulations 2015

Regulation 11 amends the Agricultural Compounds and Veterinary Medicines (Fees, Charges, and Levies) Regulations 2015.

11 Regulation 6 amended (Director-General may grant exemption, waiver, or refund)

After regulation 6(2), insert:

- (3) An instrument granting an exemption, waiver, or refund is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons.

Amendment to Animal Products (Dairy Industry Fees, Charges, and Levies) Regulations 2015

12 Amendment to Animal Products (Dairy Industry Fees, Charges, and Levies) Regulations 2015

Regulation 13 amends the Animal Products (Dairy Industry Fees, Charges, and Levies) Regulations 2015.

13 Regulation 15 amended (Director-General may grant exemption, waiver, or refund)

After regulation 15(2), insert:

- (3) An instrument granting an exemption, waiver, or refund under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to a particular case.

Amendment to Animal Products (Fees, Charges, and Levies) Regulations 2007

14 Amendment to Animal Products (Fees, Charges, and Levies) Regulations 2007

Regulation 15 amends the Animal Products (Fees, Charges, and Levies) Regulations 2007.

15 Regulation 9 amended (Director-General may grant exemption or waiver)

After regulation 9(2), insert:

- (3) An instrument granting an exemption, a waiver, or a refund under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to a particular case.

Amendment to Animal Products (Regulated Control Scheme—Bivalve Molluscan Shellfish) Regulations 2006

16 Amendment to Animal Products (Regulated Control Scheme—Bivalve Molluscan Shellfish) Regulations 2006

Regulation 17 amends the Animal Products (Regulated Control Scheme—Bivalve Molluscan Shellfish) Regulations 2006.

17 Regulation 32 amended (Status of growing area as open or closed for harvesting)

After regulation 32(5), insert:

- (6) A declaration made under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons.

Amendments to Animal Products (Regulated Control Scheme—Limited Processing Fishing Vessels) Regulations 2001

18 Amendments to Animal Products (Regulated Control Scheme—Limited Processing Fishing Vessels) Regulations 2001

Regulations 19 to 21 amend the Animal Products (Regulated Control Scheme—Limited Processing Fishing Vessels) Regulations 2001.

19 Regulation 8 amended (Interpretation)

In regulation 8(1), definition of **limited processing**, paragraph (a)(ii), delete “and notified in the *Gazette*”.

20 Regulation 9 amended (Limited processing)

- (1) In regulation 9, delete “in the *Gazette*”.
- (2) In regulation 9, insert as subclause (2):
- (2) A notice made under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

21 Regulation 47 amended (Records to be kept)

After regulation 47(3), insert:

- (4) An instrument imposing requirements under subclause (1)(c) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons.

Amendments to Fisheries (Amateur Fishing) Regulations 2013

22 Amendments to Fisheries (Amateur Fishing) Regulations 2013

Regulations 23 and 24 amend the Fisheries (Amateur Fishing) Regulations 2013.

23 Regulation 50 amended (Fish, aquatic life, or seaweed taken under authorisation for hui or tangi)

- (1) In regulation 50(1)(b)(ii), replace “notified in the *Gazette* that are considered by the chief executive” with “, specified by notice, that the chief executive considers”.
- (2) After regulation 50(2), insert:
- (3) A notice made under subclause (1)(b)(ii) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

24 Regulation 54 amended (Reporting obligations of amateur-fishing charter vessel operator)

- (1) In regulation 54(2)(a), delete “in the *Gazette*”.
- (2) After regulation 54(5), insert:
- (6) A notice made under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

*Amendment to Fisheries (Benthic Protection Areas) Regulations 2007***25 Amendment to Fisheries (Benthic Protection Areas) Regulations 2007**

Regulation 26 amends the Fisheries (Benthic Protection Areas) Regulations 2007.

26 Regulation 10 amended (Chief executive may issue circular)

After regulation 10(4), insert:

- (5) A circular issued under subclause (1)(a) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

*Amendments to Fisheries (Commercial Fishing) Regulations 2001***27 Amendments to Fisheries (Commercial Fishing) Regulations 2001**

Regulations 28 to 32 amend the Fisheries (Commercial Fishing) Regulations 2001.

28 Regulation 48 amended (Circulars relating to marine turtles)

- (1) In regulation 48(1), delete “, by notice in the *Gazette*”.
- (2) After regulation 48(2), insert:
- (3) A circular issued under subclause (1) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

29 Regulation 52C amended (Circulars relating to shark finning)

- (1) In regulation 52C(1), delete “, by notice in the *Gazette*”.
- (2) After regulation 52C(2), insert:
- (3) A circular issued under subclause (1) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

30 Regulation 58A amended (Circulars may authorise or require seabird mitigation measures)

- (1) In regulation 58A(1), delete “, by notice in the *Gazette*”.
- (2) After regulation 58A(3), insert:
- (4) A circular issued under subclause (1) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

31 Regulation 71C amended (Notices relating to approval of trawl net)

Replace regulation 71C(3) with:

- (3) The following are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements):
- (a) a notice issued under subclause (1):
 - (b) an amendment or a revocation of a notice.

32 Regulation 83 amended (Chief executive may waive or remit certain fees)

In regulation 83, insert as subclause (2):

- (2) An instrument waiving or remitting fees is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons.

*Amendment to Fisheries (Electronic Monitoring on Vessels) Regulations 2017***33 Amendment to Fisheries (Electronic Monitoring on Vessels) Regulations 2017**

Regulation 34 amends the Fisheries (Electronic Monitoring on Vessels) Regulations 2017.

34 Regulation 13 amended (Circulars specifying requirements relating to electronic monitoring)

Replace regulation 13(3) with:

- (3) A circular issued under subclause (1) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

*Amendments to Fisheries (Foreign Fishing Vessel) Regulations 2001***35 Amendments to Fisheries (Foreign Fishing Vessel) Regulations 2001**

Regulations 36 and 37 amend the Fisheries (Foreign Fishing Vessel) Regulations 2001.

36 Regulation 14 amended (Exemption from port inspection)

In regulation 14, insert as subclause (2):

- (2) An exemption granted under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more identified vessels.

37 Regulation 20 amended (Interpreters)

After regulation 20(2), insert:

- (3) An exemption granted under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more identified vessels.

Amendment to Fisheries (Geospatial Position Reporting) Regulations 2017

38 Amendment to Fisheries (Geospatial Position Reporting) Regulations 2017

Regulation 39 amends the Fisheries (Geospatial Position Reporting) Regulations 2017.

39 Regulation 6 amended (Circulars specifying standards and requirements relating to geospatial position reporting devices)

Replace regulation 6(4) with:

- (4) A circular issued under subclause (1) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Amendments to Fisheries (Kaimoana Customary Fishing) Regulations 1998

40 Amendments to Fisheries (Kaimoana Customary Fishing) Regulations 1998

Regulations 41 and 42 amend the Fisheries (Kaimoana Customary Fishing) Regulations 1998.

41 Regulation 29 amended (Notification of restriction or prohibition)

- (1) In regulation 29(4), replace “, as soon as practicable after approving such a bylaw, publish the approved bylaw in the *Gazette*” with “insert in it the date on which it takes effect”.
- (2) Replace regulation 29(6) with:
- (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.)

42 Regulation 34 amended (Minister’s powers concerning management by Tangata Kaitiaki/Tiaki)

- (1) In regulation 34(4)(a), delete “, by notice in the *Gazette*,”.
- (2) After regulation 34(4), insert:
- (4A) A cancellation or an amendment made under subclause (4)(a) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Amendments to Fisheries (Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi) Regulations 2017

43 Amendments to Fisheries (Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi) Regulations 2017

Regulations 44 and 45 amend the Fisheries (Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi) Regulations 2017.

44 Regulation 17 amended (Procedure for making bylaws for Upper Waikato fisheries area)

- (1) In regulation 17(7), replace “publish that version in the *Gazette*” with “make that version of the bylaws”.
- (2) After regulation 17(9), insert:
- (10) Bylaws made under this regulation are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

45 Regulation 20 amended (When bylaws come into force and take effect)

In regulation 20(a), replace “the Minister has notified them in the *Gazette*” with “they are published under the Legislation Act 2019”.

Amendments to Fisheries (Recordkeeping) Regulations 1990

46 Amendments to Fisheries (Recordkeeping) Regulations 1990

Regulations 47 and 48 amend the Fisheries (Recordkeeping) Regulations 1990.

47 Regulation 8 amended (Manner and form of source documents)

- (1) In regulation 8(1), delete “in the *Gazette* or in writing to any person concerned”.
- (2) After regulation 8(4), insert:
- (5) A notice given under subclause (1) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons.
- (6) A notice that is not secondary legislation must be in writing and given to each person to whom it applies.

48 Regulation 27 amended (Chief executive may waive requirements in certain cases)

Replace regulation 27(3) with:

- (3) An exemption granted under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons.

- (4) An exemption that is not secondary legislation must be in writing and given to each person to whom it applies.

Amendments to Fisheries (Reporting) Regulations 2017

49 Amendments to Fisheries (Reporting) Regulations 2017

Regulations 50 to 53 amend the Fisheries (Reporting) Regulations 2017.

50 Regulation 19 amended (Chief executive may direct that monthly harvest returns be provided electronically)

- (1) Revoke regulation 19(2).
(2) After regulation 19(6), insert:
(7) A notice given under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons.
(8) A notice that is not secondary legislation must be in writing and given to each person to whom it applies.

51 Regulation 33 amended (Exemptions on grounds of hardship or impracticability)

- (1) Revoke regulation 33(3)(a) and (b).
(2) After regulation 33(3), insert:
(4) An exemption granted under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons.
(5) An exemption that is not secondary legislation must be in writing and given to the persons to whom it applies.

52 Regulation 46 amended (Exemptions)

- (1) Revoke regulation 46(2)(a) and (b).
(2) After regulation 46(2), insert:
(3) An exemption granted under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons.
(4) An exemption that is not secondary legislation must be in writing and given to the persons to whom it applies.

53 Regulation 47 amended (Circulars)

Replace regulation 47(3) with:

- (3) A circular issued under subclause (1) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

*Amendments to Fisheries (South Island Customary Fishing) Regulations 1999***54 Amendments to Fisheries (South Island Customary Fishing) Regulations 1999**

Regulation 55 amends the Fisheries (South Island Customary Fishing) Regulations 1999.

55 Regulation 26 amended (Notification of restriction or prohibition)

- (1) In regulation 26(4), replace “, as soon as practicable after approving such a bylaw, publish the approved bylaw in the *Gazette*” with “insert in it the date on which it takes effect”.
- (2) Replace regulation 26(6) with:
- (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.)

*Amendment to Food (Fees and Charges) Regulations 2015***56 Amendment to Food (Fees and Charges) Regulations 2015**

Regulation 57 amends the Food (Fees and Charges) Regulations 2015.

57 Regulation 4 amended (Chief executive may exempt, waive, or refund fees and charges)

After regulation 4(1), insert:

- (1A) An exemption, a waiver, or a refund granted under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to a particular case.

*Amendment to Food Regulations 2015***58 Amendment to Food Regulations 2015**

Regulation 59 amends the Food Regulations 2015.

59 Regulation 117 amended (Chief executive may require agency, person, or class to undergo assessment before and after granting recognition)

After regulation 117(5), insert:

- (6) An instrument imposing requirements is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to a particular case.

*Amendment to Forests (Permanent Forest Sink) Regulations 2007***60 Amendment to Forests (Permanent Forest Sink) Regulations 2007**

Regulation 61 amends the Forests (Permanent Forest Sink) Regulations 2007.

61 Regulation 16 amended (Exemptions and waivers)

In regulation 16, insert as subclause (2):

- (2) An exemption, a waiver, or a refund granted under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only in a particular case.

*Amendment to Raw Milk for Sale to Consumers Regulations 2015***62 Amendment to Raw Milk for Sale to Consumers Regulations 2015**

Regulation 63 amends the Raw Milk for Sale to Consumers Regulations 2015.

63 Regulation 43 amended (Requirements for use of maintenance compounds)

In regulation 43, insert as subclause (2):

- (2) An approval given under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons.

*Amendments to Te Arawa Lakes (Fisheries) Regulations 2006***64 Amendments to Te Arawa Lakes (Fisheries) Regulations 2006**

Regulations 65 and 66 amend the Te Arawa Lakes (Fisheries) Regulations 2006.

65 Regulation 25 amended (Trustees may make bylaws)

After regulation 25(2), insert:

- (3) Bylaws made under this regulation are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

66 Regulation 27 amended (When bylaws come into force and take effect)

Replace regulation 27(a) with:

- (a) when they are published under the Legislation Act 2019 (*see* section 79 of the Te Arawa Lakes Settlement Act 2006); or

*Amendments to Waikato-Tainui (Waikato River Fisheries) Regulations 2011***67 Amendments to Waikato-Tainui (Waikato River Fisheries) Regulations 2011**

Regulation 68 amends the Waikato-Tainui (Waikato River Fisheries) Regulations 2011.

68 Regulation 23 amended (Procedure for making bylaws)

- (1) In regulation 23(6), replace “publish the version in the *Gazette*” with “make that version of the bylaws”.
- (2) After regulation 23(7), insert:
- (8) Bylaws made under this regulation are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Part 4**Ministry for the Environment***Amendments to Climate Change (Agriculture Sector) Regulations 2010***69 Amendments to Climate Change (Agriculture Sector) Regulations 2010**

Regulation 70 amends the Climate Change (Agriculture Sector) Regulations 2010.

70 Regulation 4 amended (EPA may issue guidelines or standards)

- (1) In regulation 4(1) and (2), delete “, by notice in the *Gazette*”.
- (2) After regulation 4(3), insert:
- (4) Guidelines or standards issued under this regulation are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

*Amendment to Climate Change (Emissions Rulings: Fees and Charges) Regulations 2010***71 Amendment to Climate Change (Emissions Rulings: Fees and Charges) Regulations 2010**

Regulation 72 amends the Climate Change (Emissions Rulings: Fees and Charges) Regulations 2010.

72 Regulation 9 amended (Exemptions, waivers, and refunds)

In regulation 9, insert as subclause (2):

- (2) An instrument granting an exemption or a waiver or refund is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons.

*Amendments to Climate Change (Forestry Sector) Regulations 2008***73 Amendments to Climate Change (Forestry Sector) Regulations 2008**

Regulation 74 amends the Climate Change (Forestry Sector) Regulations 2008.

74 Regulation 7 amended (EPA may issue guidelines or standards)

- (1) In regulation 7(1), (1A), and (2), delete “, by notice in the *Gazette*,”.
- (2) After regulation 7(3), insert:
- (4) Guidelines or standards issued under this regulation are secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).

*Amendments to Climate Change (Other Removal Activities) Regulations 2009***75 Amendments to Climate Change (Other Removal Activities) Regulations 2009**

Regulations 76 and 77 amend the Climate Change (Other Removal Activities) Regulations 2009.

76 Regulation 3 amended (Interpretation)

In regulation 3, revoke the definition of **chief executive**.

77 Regulation 3A amended (Chief executive may issue guidelines or standards)

- (1) In regulation 3A(1) and (2), delete “, by notice in the *Gazette*,”.
- (2) After regulation 3A(3), insert:
- (4) Guidelines or standards issued under this regulation are secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).

*Amendments to Climate Change (Stationary Energy and Industrial Processes) Regulations 2009***78 Amendments to Climate Change (Stationary Energy and Industrial Processes) Regulations 2009**

Regulation 79 amends the Climate Change (Stationary Energy and Industrial Processes) Regulations 2009.

79 Regulation 5 amended (EPA may issue guidelines or standards)

- (1) In regulation 5(1) and (2), delete “, by notice in the *Gazette*,”.
- (2) After regulation 5(3), insert:
- (4) Guidelines or standards issued under this regulation are secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).

Part 5

Ministry of Business, Innovation, and Employment

Amendments to Electricity (China Free Trade Agreement) Regulations 2008

80 Amendments to Electricity (China Free Trade Agreement) Regulations 2008

Regulation 81 amends the Electricity (China Free Trade Agreement) Regulations 2008.

81 Regulation 8 amended (Prohibition of non-complying fittings and electrical appliances)

- (1) Revoke regulation 8(2)(a).
- (2) In regulation 8(2)(b), replace “in the notice (which must be later than the date of the notice’s publication in the *Gazette*)” with “in it (which must be later than the date on which it is published under the Legislation Act 2019)”.
- (3) After regulation 8(3), insert:
- (4) A prohibition made under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Amendments to Electricity (Safety) Regulations 2010

82 Amendments to Electricity (Safety) Regulations 2010

Regulations 83 to 89 amend the Electricity (Safety) Regulations 2010.

83 Regulation 83 amended (Supplier declaration of conformity required before sale of declared medium risk articles)

- (1) In regulation 83(1), delete “, by notice in the *Gazette*,”.
- (2) After regulation 83(4), insert:
- (5) A declaration made under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

84 Regulation 84 amended (Declared high risk articles not to be sold unless approved)

- (1) In regulation 84(1), delete “, by notice in the *Gazette*,”.
- (2) After regulation 84(3), insert:
- (4) A declaration made under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

85 Regulation 87 amended (Prohibitions relating to fittings and appliances)

- (1) Revoke regulation 87(3)(a).

- (2) In regulation 87(3)(b), replace “for the purpose in the notice, which must be later than the date of publication of the notice in the *Gazette*” with “in it, which must be later than the date on which it is published under the Legislation Act 2019”.
- (3) In regulation 87(4), delete “specified in the notice in the *Gazette* as the date”.
- (4) After regulation 87(6), insert:
- (7) A prohibition made under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

86 Regulation 99 amended (Fees payable to Board)

After regulation 99(3), insert:

- (4) An instrument granting a waiver, refund, or remission is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons.

87 Regulation 109 amended (WorkSafe’s power to exempt from requirements)

Replace regulation 109(5) with:

- (5) WorkSafe must give notice of an exemption, and any amendment or revocation of it, to the applicant.
- (6) An exemption granted under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons.

88 Regulation 110 amended (Issuing urgent instructions, orders, or requirements)

- (1) Revoke regulation 110(2).
- (2) After regulation 110(5), insert:
- (6) An instrument issuing instructions, orders, or requirements is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons.
- (7) An instrument that is not secondary legislation must be given in writing to each person to whom it applies.

89 Regulation 111 amended (*Gazette* notices to be published on Internet site)

In regulation 111, after “regulations”, insert “and that is not secondary legislation”.

Amendment to Financial Markets Conduct (Fees) Regulations 2014

90 Amendment to Financial Markets Conduct (Fees) Regulations 2014

Regulation 91 amends the Financial Markets Conduct (Fees) Regulations 2014.

91 Regulation 6 amended (Multiple application discount)

After regulation 6(6), insert:

- (7) An instrument granting a waiver or refund to a class of persons is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Amendments to Gas (Safety and Measurement) Regulations 2010

92 Amendments to Gas (Safety and Measurement) Regulations 2010

Regulations 93 to 98 amend the Gas (Safety and Measurement) Regulations 2010.

93 Regulation 60 amended (Declared articles not to be offered for sale unless approved)

- (1) In regulation 60(1), delete “, by notice in the *Gazette*,”.
- (2) After regulation 60(3), insert:
- (4) A declaration made under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

94 Regulation 63 amended (Prohibition and control of unsafe gas appliances and fittings)

- (1) Revoke regulation 63(3)(a).
- (2) In regulation 63(3)(b), replace “for the purpose in the notice, which date must be later than the date of publication of the notice in the *Gazette*” with “in it, which must be later than the date on which it is published under the Legislation Act 2019”.
- (3) In regulation 63(4), delete “specified in the notice in the *Gazette* as the date”.
- (4) After regulation 63(6), insert:
- (7) A prohibition or control made under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

95 Regulation 64 amended (Specified fittings)

- (1) In regulation 64(1), delete “in the *Gazette*”.
- (2) Replace regulation 64(3) with:
- (3) A notice made under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

96 Regulation 85 amended (WorkSafe’s power to exempt from requirements)

Replace regulation 85(7) with:

- (7) WorkSafe must give notice of an exemption, and any amendment or revocation of it, to the applicant.

- (8) An exemption granted under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons.

97 Regulation 86 amended (Issuing of urgent instructions)

- (1) Revoke regulation 86(2).
- (2) After regulation 86(5), insert:
- (6) An instrument issuing instructions, orders, or requirements is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons.
- (7) An instrument that is not secondary legislation must be given in writing to each person to whom it applies.

98 Regulation 91 amended (*Gazette* notices to be published on Internet site)

In regulation 91, after “regulations”, insert “and that is not secondary legislation”.

Part 6 Ministry of Education

Amendments to Education (Early Childhood Services) Regulations 2008

99 Amendments to Education (Early Childhood Services) Regulations 2008

Regulation 100 amends the Education (Early Childhood Services) Regulations 2008.

100 Regulation 41 amended (Minister may prescribe criteria)

- (1) In regulation 41, after “, may”, insert “by notice”.
- (2) Replace regulation 41(3) with:
- (3) A notice made under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Amendments to Education (Playgroups) Regulations 2008

101 Amendments to Education (Playgroups) Regulations 2008

Regulation 102 amends the Education (Playgroups) Regulations 2008.

102 Regulation 17 amended (Minister may prescribe criteria)

- (1) In regulation 17(1), before “prescribe”, insert “by notice”.
- (2) Replace regulation 17(2) with:
- (2) A notice made under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Part 7

Ministry of Health

Amendments to COVID-19 Public Health Response (Air Border) Order (No 2) 2020

103 Amendments to COVID-19 Public Health Response (Air Border) Order (No 2) 2020

Regulations 104 and 105 amend the COVID-19 Public Health Response (Air Border) Order (No 2) 2020.

104 Clause 26 amended (Exemptions granted by Minister)

- (1) Replace clause 26(5) and (6) with:
 - (5) An exemption for any class of persons is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
 - (6) However, an exemption, or an amendment to an exemption, may come into force before it is published if the Minister is satisfied that the exemption or amendment should come into force urgently.
- (2) Replace clause 26(7)(b) with:
 - (b) the exemption or amendment must be published under the Legislation Act 2019 as soon as practicable after it comes into force.

105 Clause 26A amended (General provisions relating to exemptions granted by Director-General)

Replace clause 26A(4) with:

- (4) A relevant exemption for any class of persons is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Amendments to COVID-19 Public Health Response (Alert Level Requirements) Order (No 11) 2021

106 Amendments to COVID-19 Public Health Response (Alert Level Requirements) Order (No 11) 2021

Regulation 107 amends the COVID-19 Public Health Response (Alert Level Requirements) Order (No 11) 2021.

107 Clause 51 amended (Power for Director-General to grant exemptions from this order)

- (1) Replace clause 51(6) and (7) with:
 - (6) An exemption for any class of persons, businesses, services, or goods is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

- (7) However, an exemption, or an amendment to an exemption, may come into force before it is published if the Director-General is satisfied that the exemption or amendment should come into force urgently.
- (2) Replace clause 51(8)(b) with:
- (b) the exemption or amendment must be published under the Legislation Act 2019 as soon as practicable after it comes into force.

Amendments to COVID-19 Public Health Response (Isolation and Quarantine) Order 2020

108 Amendments to COVID-19 Public Health Response (Isolation and Quarantine) Order 2020

Regulations 109 and 110 amend the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020.

109 Clause 13 amended (Leaving place of isolation or quarantine)

After clause 13(2), insert:

- (3) An authorisation made under subclause (1)(a) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons.

110 Clause 15A amended (Power for Minister to grant exemptions from this Part)

Replace clause 15A(4) with:

- (4) An exemption is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Amendments to COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020

111 Amendments to COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020

Regulation 112 amends the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020.

112 Regulation 12 amended (How charges must be paid)

- (1) In regulation 12(2), replace “acceptable to the chief executive” with “determined by the chief executive to be acceptable”.
- (2) Replace regulation 12(3) with:
- (3) A determination made under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

*Amendment to COVID-19 Public Health Response (Maritime Border) Order
(No 2) 2020*

113 Amendment to COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020

Regulation 114 amends the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020.

114 Clause 31A amended (Power for Minister to grant exemptions from this order)

Replace clause 31A(5) with:

- (5) An exemption for any class of persons is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Amendments to COVID-19 Public Health Response (Point-of-care Tests) Order 2021

115 Amendments to COVID-19 Public Health Response (Point-of-care Tests) Order 2021

Regulations 116 to 118 amend the COVID-19 Public Health Response (Point-of-care Tests) Order 2021.

116 Clause 8 amended (Director-General may authorise persons to deal with point-of-care tests)

After clause 8(4), insert:

- (5) An authorisation for a person must be notified in writing to the applicant and the authorised person.
- (6) An authorisation for a class of persons is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

117 Clause 9 amended (Director-General may exempt point-of-care tests from prohibitions)

After clause 9(3), insert:

- (4) An exemption for a point-of-care test must be notified in writing to the applicant.
- (5) An exemption for a class of point-of-care tests is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

118 Clause 10 revoked (Notification of authorisations and exemptions)

Revoke clause 10.

Part 8

Ministry of Social Development

Amendments to Social Security Regulations 2018

119 Amendments to Social Security Regulations 2018

Regulations 120 and 121 amend the Social Security Regulations 2018.

120 Regulation 90 amended (Definitions relating to social obligations)

In regulation 90, definition of **approved early childhood education programme**, replace paragraph (b) with:

- (b) an early childhood education programme approved by MSD having regard to all relevant approval criteria (if any) prescribed for the purposes of this paragraph by the Minister under section 430 of the Act; or

121 Regulation 211 amended (Debt recovery directions)

Replace regulation 211(3) with:

- (3) Debt recovery directions given under this regulation are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Part 9

Ministry of Transport

Amendments to Airport Authorities (Airport Companies Information Disclosure) Regulations 1999

122 Amendments to Airport Authorities (Airport Companies Information Disclosure) Regulations 1999

Regulation 123 amends the Airport Authorities (Airport Companies Information Disclosure) Regulations 1999.

123 Regulation 17 amended (Secretary for Transport may issue guidelines)

- (1) In regulation 17(1) and (3), delete “, by notice in the *Gazette*,”.
- (2) After regulation 17(4), insert:
- (5) Guidelines made under this regulation are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

*Amendments to Land Transport (Motor Vehicle Registration and Licensing)
Regulations 2011*

124 Amendments to Land Transport (Motor Vehicle Registration and Licensing) Regulations 2011

Regulations 125 and 126 amend the Land Transport (Motor Vehicle Registration and Licensing) Regulations 2011.

125 Regulation 39 amended (Display of ordinary plates)

After regulation 39(4), insert:

- (5) An instrument imposing requirements is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it relates only to 1 or more individually identified motor vehicles or named persons.

126 Regulation 65A amended (Registrar may waive, refund, or rebate administration fee)

In regulation 65A, insert as subclause (2):

- (2) An instrument granting a waiver, refund, or rebate is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it relates only to 1 or more individually identified motor vehicles or named persons.

Amendments to Land Transport Management (Road Tolling Scheme for Northern Gateway) Order 2005

127 Amendments to Land Transport Management (Road Tolling Scheme for Northern Gateway) Order 2005

Regulations 128 and 129 amend the Land Transport Management (Road Tolling Scheme for Northern Gateway) Order 2005.

128 Clause 9 amended (Setting of tolls)

Replace clause 9(3) with:

- (3) An instrument made under this clause setting tolls is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- (3A) The instrument takes effect on the date specified in it, which must be at least 28 days after it is published under the Legislation Act 2019.

129 Clause 10 amended (Exemptions from paying tolls)

Replace clause 10(3) with:

- (3) An exemption granted under this clause is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- (4) The purpose of an exemption must be published with it.

- (5) An exemption takes effect on the date specified in it, which must be at least 28 days after it is published under the Legislation Act 2019.
- (6) However, if it is impracticable to publish the exemption at least 28 days before the specified date, the exemption—
 - (a) must be published as soon as practicable after it is made; and
 - (b) takes effect on the date specified in it even if it is not yet published.

Amendments to Land Transport Management (Road Tolling Scheme for Takitimu Drive (Route K)) Order 2015

130 Amendments to Land Transport Management (Road Tolling Scheme for Takitimu Drive (Route K)) Order 2015

Regulations 131 and 132 amend the Land Transport Management (Road Tolling Scheme for Takitimu Drive (Route K)) Order 2015.

131 Clause 7 amended (Setting of tolls)

Replace clause 7(3) with:

- (3) An instrument made under this clause setting tolls is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- (3A) The instrument takes effect on the date specified in it, which must be at least 28 days after it is published under the Legislation Act 2019.

132 Clause 8 amended (Exemptions from paying tolls)

Replace clause 8(3) with:

- (3) An exemption granted under this clause is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- (4) The purpose of an exemption must be published with it.
- (5) An exemption takes effect on the date specified in it, which must be at least 28 days after it is published under the Legislation Act 2019.
- (6) However, if it is impracticable to publish the exemption at least 28 days before the specified date, the exemption—
 - (a) must be published as soon as practicable after it is made; and
 - (b) takes effect on the date specified in it even if it is not yet published.

Amendments to Land Transport Management (Road Tolling Scheme for Tauranga Eastern Link) Order 2015

133 Amendments to Land Transport Management (Road Tolling Scheme for Tauranga Eastern Link) Order 2015

Regulations 134 and 135 amend the Land Transport Management (Road Tolling Scheme for Tauranga Eastern Link) Order 2015.

134 Clause 8 amended (Setting of tolls)

Replace clause 8(4) with:

- (4) An instrument made under this clause setting tolls is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- (4A) The instrument takes effect on the date specified in it, which must be at least 28 days after it is published under the Legislation Act 2019.

135 Clause 9 amended (Exemptions from paying tolls)

Replace clause 9(3) with:

- (3) An exemption granted under this clause is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- (4) The purpose of an exemption must be published with it.
- (5) An exemption takes effect on the date specified in it, which must be at least 28 days after it is published under the Legislation Act 2019.
- (6) However, if it is impracticable to publish the exemption at least 28 days before the specified date, the exemption—
 - (a) must be published as soon as practicable after it is made; and
 - (b) takes effect on the date specified in it even if it is not yet published.

Part 10 New Zealand Police

Amendments to Arms Regulations 1992

136 Amendments to Arms Regulations 1992

Regulations 137 and 138 amend the Arms Regulations 1992.

137 Regulation 28M amended (Compensation schedules to be issued by Commissioner)

Replace regulation 28M(3) with:

- (3) A compensation schedule issued under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

138 Schedule 2 amended

In Schedule 2, replace clause 3(3) with:

- (3) A compensation schedule issued under this clause is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Part 11

Te Puni Kōkiri

Amendments to Rotoaira Trout Fishing Regulations 1979

139 Amendments to Rotoaira Trout Fishing Regulations 1979

Regulations 140 to 144 amend the Rotoaira Trout Fishing Regulations 1979.

140 Regulation 8 revoked (Fees for entry permits)

Revoke regulation 8.

141 Regulation 26 amended (Bag limit)

- (1) In regulation 26, delete “in the *Gazette*”.
- (2) In regulation 26, delete “and any such alteration shall take effect on the day following the date of the publication of the notice, or on such later date as is specified in the notice”.
- (3) In regulation 26, insert as subclauses (2) and (3):
 - (2) A notice made under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
 - (3) The notice takes effect on the day after it is published under the Legislation Act 2019 or any later date specified in it.

142 Regulation 27 amended (Size limit)

- (1) In regulation 27(1), replace “, by notice in the *Gazette*,” with “by notice”.
- (2) In regulation 27(1), delete “Every such notice shall take effect on the day following the date of its publication in the *Gazette*, or on such later date as is specified in the notice.”
- (3) After regulation 27(1), insert:
 - (1A) A notice made under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
 - (1B) The notice takes effect on the day after it is published under the Legislation Act 2019 or any later date specified in it.

143 Regulation 30 amended (Trustees may prohibit fishing in certain waters)

- (1) In regulation 30(1), delete “in the *Gazette*”.
- (2) In regulation 30(1), delete “, and that prohibition shall take effect on the day following the date of publication of the notice or on such later date as is specified in the notice”.
- (3) After regulation 30(4), insert:
 - (5) A notice made under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

- (6) The notice takes effect on the day after it is published under the Legislation Act 2019 or any later date specified in it.

144 Schedule amended

In the Schedule, form 1, delete “in the *Gazette*”.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations are made under section 147A of the Legislation Act 2019 and come into force on 28 October 2021.

Various Acts authorise secondary legislation (**top-tier SL**) made under those Acts to authorise the making of a second tier of secondary legislation (**sub-delegated SL**). The empowering Acts require the top-tier SL to include a statement to the effect that the sub-delegated SL is secondary legislation.

These regulations amend various top-tier SL to insert those statements and to make consequential amendments, including to align existing provisions for making, commencing, and publishing instruments with the rules that will apply under the Legislation Act 2019.

The amendments are of the same kind as are made by the Secondary Legislation Act 2021 to Acts that contain secondary legislation empowering provisions.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 16 September 2021.

These regulations are administered by the Parliamentary Counsel Office.