



Subordinate Legislation (Confirmation and Validation) Act 2002

Public Act 2002 No 52
Date of assent 18 December 2002
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Subordinate Legislation (Confirmation and Validation) Act 2002.

Part 1

Preliminary provisions

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Act binds the Crown

This Act binds the Crown.

Part 2

Confirmations and validations

Subpart 1—Formal confirmations and validations to prevent lapse

Orders and regulations formally confirmed and validated

4 Animal Products Act 1999

The Animal Products (Fees, Charges, and Levies) Regulations 2002 (SR 2002/138) are confirmed.

5 Civil Aviation Act 1990

The Civil Aviation (Safety) Levies Order 2002 (SR 2002/84) is confirmed.

6 Commodity Levies Act 1990 and Fisheries Act 1996

The following orders are confirmed:

- (a) Commodity Levies (Vegetables) Order 2001 (SR 2001/332):
- (b) Commodity Levies (Blackcurrants) Order 2001 (SR 2001/333):
- (c) Commodity Levies (Fish) Order 2002 (SR 2002/50):
- (d) Commodity Levies (Summerfruit) Order 2002 (SR 2002/244).

7 Customs and Excise Act 1996

The following orders are confirmed:

- (a) Customs Import Prohibition (Trout) Order 2001 (SR 2001/329):

- (b) Excise and Excise-Equivalent Duties (Tobacco Products Indexation) Amendment Order 2001 (SR 2001/330):
 - (c) Excise and Excise-Equivalent Duties (Alcoholic Beverages Indexation) Amendment Order 2002 (SR 2002/117):
 - (d) Customs Import Prohibition Order 2002 (SR 2002/255):
 - (e) Customs Export Prohibition Order 2002 (SR 2002/256).
- 8 New Zealand Superannuation Act 2001, Social Security Act 1964, and Social Welfare (Transitional Provisions) Act 1990**
The Social Security (Rates of Benefits and Allowances) Order 2002 (SR 2002/53) is validated and confirmed.
- 9 Road User Charges Act 1977**
The Road User Charges (Rates) Order 2002 (SR 2002/48) is confirmed.
- 10 Tariff Act 1988**
The following orders are validated and confirmed:
- (a) Tariff (Harmonised System) Amendment Order 2001 (SR 2001/389):
 - (b) Tariff (Harmonised System) Amendment Order 2002 (SR 2002/83).
- 11 War Pensions Act 1954**
The War Pensions (Rates of Pensions and Allowances) Order 2002 (SR 2002/59) is validated and confirmed.

Effect of formal validations

- 12 Effect of formal validations**
The validations effected by sections 8, 10, and 11 are for the purpose only of preventing the expiry of the enactments validated; and do not—
- (a) express an intention to give legislative force to the provisions of those enactments; or

- (b) apply to any reason for invalidating any of those enactments; or
- (c) override any presumption that would otherwise apply to any of those enactments.

Subpart 2—Validation of Fisheries (Cost Recovery Levies) Orders

13 Certain orders validated

- (1) This section applies in relation to an order specified in subsection (4) on and from the date on which the order was made.
- (2) The orders specified in subsection (4) must be treated as if, before they were made, the Minister of Fisheries—
 - (a) had complied with—
 - (i) section 263 of the Fisheries Act 1996 as originally enacted before the Fisheries Act 1996 Amendment Act 1999; and
 - (ii) section 265 of the Fisheries Act 1996 as substituted by the Fisheries Act 1996 Amendment Act 1999; and
 - (b) had taken into account any other fees, charges, or levies paid or payable under the Fisheries Act 1983 or the Fisheries Act 1996.
- (3) The order specified in subsection (4)(h) must be treated as if the levies in the order had been calculated in accordance with rule 9 of the Fisheries (Cost Recovery) Rules 2001 (SR 2001/229).
- (4) The orders are—
 - (a) Fisheries (Cost Recovery Levies) Order 1995 (SR 1995/280);
 - (b) Fisheries (Cost Recovery Levies) Order 1996 (SR 1996/267);
 - (c) Fisheries (Cost Recovery Levies) Order 1997 (SR 1997/189);
 - (d) Fisheries (Cost Recovery Levies) Order 1998 (SR 1998/278);
 - (e) Fisheries (Cost Recovery Levies) Order 1999 (SR 1999/268);
 - (f) Fisheries (Cost Recovery Levies) Order (No 2) 1999 (SR 1999/411);

- (g) Fisheries (Cost Recovery Levies) Order 2000 (SR 2000/178):
- (h) Fisheries (Cost Recovery Levies) Order 2001 (SR 2001/281).

14 Section 13 not to apply to certain legal proceedings

- (1) Section 13 does not apply to the following legal proceedings:
 - (a) *Barine Developments Limited v Minister of Fisheries and Attorney-General* (Wellington High Court, CP 231/01); and
 - (b) any other legal proceedings that expressly challenge the validity of 1 or more of the orders specified in section 13(4), if the proceedings were commenced before 2 September 2002.
- (2) However, section 13 does apply to legal proceedings referred to in subsection (1) to the extent that, on or after 2 September 2002, the proceedings are amended to challenge the validity of an order not expressly challenged in the proceedings before that date.

15 Section 13 does not limit section 265 of Fisheries Act 1996

Section 13 does not limit or affect section 265 of the Fisheries Act 1996 in relation to a previous financial year that is a year to which an order specified in section 13(4) relates.

**Part 3
Repeal**

16 Repeal

The Subordinate Legislation (Confirmation and Validation) Act 2001 (2001 No 99) is repealed.

Legislative history

2 September 2002	Introduction (Bill 1–1)
10 September 2002	First reading and referral to Regulations Review Committee
25 November 2002	Reported from Regulations Review Committee (Bill 1–2)
5 December 2002	Second reading
10 December 2002	Committee of the whole House
11 December 2002	Third reading
18 December 2002	Royal assent
