



ANIMAL PRODUCTS (EXEMPTIONS) ORDER 1999

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 9 of the Animal Products Act 1999, His Excellency the Governor-General, on the recommendation of the Minister of Food, Fibre, Biosecurity and Border Control made in accordance with that section, and acting by and with the advice and consent of the Executive Council, makes the following order.

ANALYSIS

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| 1. Title and commencement | | 4. Certain fish for retail sale in New Zealand exempt from Act |
| 2. Interpretation | | 5. Cosmetics exempt from Act |
| 3. Certain fish taken in exclusive economic zone exempt from Act | | |

ORDER

1. Title and commencement—(1) This order may be cited as the Animal Products (Exemptions) Order 1999.

(2) This order comes into force on 1 November 1999.

2. Interpretation—In this order,—

“The Act” means the Animal Products Act 1999:

“Exclusive economic zone” means the exclusive economic zone of New Zealand as defined by section 9 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977.

3. Certain fish taken in exclusive economic zone exempt from Act—(1) Subject to subclause (2), fish taken in the exclusive economic zone, and any animal product derived from such fish, are exempt from the requirements of the Act if—

- (a) The fish are taken by a foreign fishing vessel in accordance with Part V of the Fisheries Act 1996, or a foreign fishing craft licensed under the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977; and
 - (b) The fish or animal product are not landed in New Zealand; and
 - (c) The fish, or animal product derived from the fish, are not claimed to be New Zealand fish or product.
- (2) This clause does not apply to exempt bivalve molluscan shellfish from the requirements of the Act.

4. Certain fish for retail sale in New Zealand exempt from Act—(1) Subject to subclause (2), fish that are in New Zealand for the purpose of retail sale for human consumption are exempt from the requirements of the Act if—

- (a) The fish are sold by way of retail sale; and
 - (b) The seller is not a person who, at the premises where the fish are sold by retail sale, also engages in—
 - (i) Selling fish by way of wholesale sale; or
 - (ii) Processing fish for any purpose other than retail sale from the same premises; or
 - (iii) Exporting fish; and
 - (c) The fish are sold from premises (including a vehicle) that either—
 - (i) Are subject to the Food Hygiene Regulations 1974; or
 - (ii) Are exempt from those regulations by virtue of Part 1A of the Food Act 1981.
- (2) This clause does not apply to exempt bivalve molluscan shellfish from the application of the Act.

5. Cosmetics exempt from Act—All cosmetics within the meaning of the Medicines Act 1981 are exempt from the requirements of the Act.

MARIE SHROFF,
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 exempts the following material and products from the requirements of the Animal Products Act 1999:

- (a) Fish taken from the exclusive economic zone by certain foreign fishing craft, if the fish are neither landed in New Zealand nor claimed to be New Zealand product (but excluding bivalve molluscan shellfish):
- (b) Fish for retail sale in New Zealand, where such retail sale is covered by the Food Act regime and is not carried out by a person who, at the same premises, is also a fish wholesaler or exporter, or a person who engages in processing fish for any purpose other than retail sale from the same premises (and again, excluding bivalve molluscan shellfish):
- (c) Cosmetics that are covered by the Medicines Act 1981.

The order comes into force on 1 November 1999, the date of commencement of the Animal Products Act 1999.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 14 October 1999.

This order is administered in the Ministry of Agriculture and Forestry.