

1966/73



**THE HEALTH (REGISTRATION OF PREMISES)
REGULATIONS 1966**

—
BERNARD FERGUSSON, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 18th day of May 1966

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Health Act 1956, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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ANALYSIS

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| <ol style="list-style-type: none"> 1. Title and commencement 2. Interpretation 3. Application of regulations 4. Application for registration 5. Certificate of registration | | <ol style="list-style-type: none"> 6. Noting of certificate 7. Fees 8. Record of registration 9. Revocation of registration 10. Appeals 11. Revocation |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Health (Registration of Premises) Regulations 1966.

(2) These regulations shall come into force on the seventh day after the date of their notification in the *Gazette*.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“The Act” means the Health Act 1956:

“Premises” means premises which, by virtue of a provision of the Act or of any regulation made thereunder, may not be used for any purpose specified in that provision unless registered by the local authority in that behalf, or which may be registered by the local authority pursuant to any such provision.

3. Application of regulations—These regulations shall apply in respect of the registration of all premises and the renewal and revocation of any such registration.

4. Application for registration—Every application for the registration by a local authority of any premises shall be made to the appropriate local authority in writing under the hand of the owner, occupier, or person proposing to use such premises and shall contain all such particulars as the local authority may in any case require, and shall be accompanied by the appropriate fee.

5. Certificate of registration—(1) Subject to the provisions of the Act, on receipt of an application for the registration of any premises, the local authority, if it is satisfied that the premises comply with the requirements and conditions applicable thereto, whether in relation to the proposed use thereof or otherwise, imposed by or under any enactment, shall register the premises for the appropriate purpose or purposes and shall, on payment of the appropriate fee, issue to the applicant a certificate of registration accordingly.

(2) In the case of premises registered under these regulations for the first time, the registration may be expressed to expire upon such date as the local authority, for administrative reasons, may fix. Subject as aforesaid, every registration, unless it is sooner revoked pursuant to these regulations, shall expire in the year following the year in which it is issued on such date as the local authority may by resolution decide for the expiry in each year of that class of registration.

(3) Every certificate of registration shall contain the particulars specified in subclause (2) of regulation 8 of these regulations, except that it shall not be necessary to repeat therein the names of the previous holders thereof or the dates of any previous renewals of the first certificate of registration.

(4) Subject to the provisions of the Act and to the local authority being satisfied as to the matters set out in subclause (1) of this regulation, the registration of any premises shall from time to time be renewed upon payment of the appropriate fee.

(5) Every certificate of registration shall be posted conspicuously in a public part of the premises to which it relates.

(6) A fresh certificate of registration shall be issued on every renewal of registration.

6. Noting of certificate—Within 14 days after any change in the occupation of premises the new occupier shall apply to the local authority to have the change noted in the record of registration and on the certificate of registration, which he shall produce for the purpose, and shall pay any fee payable in respect of such noting.

7. Fees—The fees payable on applications for certificates of registration and upon the issue, renewal, and noting of such certificates shall be such as the local authority by resolution decides.

8. Record of registration—(1) Every local authority shall keep a record of all registered premises, and of all certificates of registration and all renewals thereof issued by it.

- (2) The record shall in every case show—
- (a) The name and address of the holder of the certificate of registration, who in every case shall be the actual occupier of the premises:
 - (b) The situation of the premises:
 - (c) The purpose or purposes for which the premises are registered:
 - (d) The date of the first registration under these regulations and the dates of any renewals thereof:
 - (e) Every change in the occupation of the premises since the first registration:
 - (f) A statement of any conditions subject to which the registration was effected or any renewal thereof was granted.
- (3) The record shall be available at all reasonable times for inspection by any officer of the Department of Health.

9. Revocation of registration—(1) If at any time during the currency of a certificate of registration it is found that the premises concerned do not comply with the requirements of any enactment or with any condition subject to which registration of the premises was effected, or that the business being carried on in the premises is not being conducted in all respects in accordance with the provisions of the Act or of any regulation or bylaw made thereunder, or that the provisions of regulation 6 of these regulations have not been complied with by the occupier of the premises, the local authority may cause to be served on such occupier a notice requiring him, within a time to be stated in the notice, to take such remedial action as may be specified therein.

(2) Unless, within the time stated in the notice referred to in subclause (1) of this regulation, and hereinafter called the first notice, the terms of the first notice are complied with, the local authority may cause to be served on the occupier of the premises a further notice calling on him to show cause, at a time and place to be stated in the notice, why the registration of the premises should not be revoked.

(3) Unless, after giving the occupier of the premises an opportunity of being heard as provided in subclause (2) of this regulation, the local authority is satisfied, either that the terms of the first notice have been complied with or that the failure to comply therewith may properly be excused, it may, whether or not the registration of the premises has been renewed since the service of the first notice, revoke the said registration.

(4) If any person being the holder of a certificate of registration has been convicted of an offence against the Act or the Food and Drugs Act 1947 or against any regulations or bylaws made under either of those Acts arising out of his conduct of premises registered in accordance with these regulations, and has been fined on any one occasion in respect thereof in any amount exceeding £10 exclusive of costs, the local authority shall cause to be served upon such holder a notice calling upon him to show cause why his certificate of registration should not be revoked, and unless an explanation satisfactory to the local authority is forthcoming it may revoke the said certificate and may thereafter decline to issue a fresh certificate to that person for a period of two years from the date of his conviction.

10. Appeals—(1) Where a local authority—

- (a) Refuses to register any premises; or
- (b) Declines to renew the registration of any premises; or
- (c) Revokes the registration of any premises—

it shall give written notice of its decision to the applicant or the occupier of the premises, as the case may require. The notice shall advise the person to whom it is given of his right to appeal against the decision in accordance with this regulation.

(2) The applicant or the occupier of the premises, as the case may be, may appeal to a Magistrate's Court against the decision of the local authority on giving notice of appeal within 14 days after receiving notice of the decision.

(3) The notice of appeal shall be in writing and shall be filed in the Court. It shall not be necessary to state in the notice the grounds of appeal. Either before or immediately after the filing of the notice of appeal, a copy of the notice shall be served on the local authority.

(4) In the case of a refusal to renew the registration of any premises or in the case of the revocation of the registration of any premises the operation of the decision appealed against shall be suspended until the final determination of the appeal and the registration shall, if the appeal is not finally determined on or before the expiry of the registration by effluxion of time, be deemed to be extended until the final determination of the appeal.

(5) On hearing the appeal the Court may confirm, modify, or reverse the decision appealed against, and the decision of the Court shall be final and binding on all parties.

11. Revocation—The Health (Registration of Premises) Regulations 1921* and the Health (Registration of Premises) Amendment Regulations 1948† are hereby revoked.

T. J. SHERRARD,
Clerk of the Executive Council.

*Gazette, 1921, Vol. II, p. 1187
†S.R. 1948/150

EXPLANATORY NOTE

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

These regulations provide a uniform procedure for the registration of all premises required or permitted to be registered by local authorities pursuant to the Health Act 1956 or pursuant to any regulations made under that Act. A new provision is regulation 10 which confers a right of appeal against certain decisions of the local authority.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 19 May 1966.

These regulations are administered in the Department of Health.